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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,757	12/21/2001	Lee E. Cannon	4978US (01-01-029)	2583

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EXAMINER	
MENDOZA, ROBERT J	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,757	CANNON, LEE E.	
	Examiner	Art Unit	
	Robert J Mendoza	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *54-74* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *54-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 54-59, 63-71 and 75-77 rejected under 35 U.S.C. 102(e) as being anticipated by Vancura (USPN 6,769,986).

Regarding claims 54 and 66, Vancura, in FIGS. 1-2, col.2:52-67, col.3:1-16 and col. 4:6-50, illustrates and discloses a gaming method comprising receiving a wager from a player and displaying an image representing a first game. Vancura, in FIGS. 1-4, col.2:52-67, col.3:1-16 and col. 4:6-50, illustrates and discloses determining to initiate a bonus game; selecting a trivia question and a fixed set of answers associated with the trivia question for the bonus game, the trivia question and the fixed set of answers having a difficulty level selected according to a criterion. Vancura, in FIGS. 1-4, col.2:52-67, col.3:1-16, col. 4:1-50 and col. 7:1-67, illustrates and discloses displaying an image representing the bonus game; receiving an answer selection from the player of one of the fixed set of answers; and determining an award based on the answer selection.

Regarding claims 55-59, 63-65, 67-71 and 75-77, Vancura, in FIGS. 1-4, col.2:52-67, col.3:1-16, col. 4:1-50 and col. 7:1-67, illustrates and discloses wherein the criterion comprises one of a random selection, *a preference of the player*, a past performance of the player, and a

status in the bonus game. Vancura, in col.2:52-67, col.3:1-16, col. 4:1-50 and col. 7:1-67, illustrates and discloses wherein determining an award comprises determining an award from a bonus pool generated at least in part through the wager received from the player and wherein the award comprises the entire bonus pool. Vancura, in FIGS. 1-4, col.2:52-67, col.3:1-16, col. 4:1-50 and col. 7:1-67, illustrates and discloses wherein the award comprises a portion of the bonus pool. Vancura, in FIGS. 1-4, col.2:52-67, col.3:1-16, col. 4:1-50 and col. 7:1-67, illustrates and discloses setting a stake in the bonus pool for the player in the bonus game according to the qualification. . Although Vancura does not explicitly disclose a coin acceptor, it is inherent for Vancura to employ a coin acceptor to activate the base game as indicated in FIG. 1. Vancura, in FIGS. 1-4, col.2:52-67, col.3:1-16, col. 4:1-50, col. 7:1-67 and col. 8:1-25, illustrates and discloses wherein determining to initiate a bonus game comprises determining one of a combination of reels, a hand in video poker and a hand in video blackjack. Vancura, in FIGS. 1-4, col.2:52-67, col.3:1-16, col. 4:1-50, col. 7:1-67 and col. 8:1-25, illustrates and discloses wherein the first game comprises one of a video slot game, a video poker game, a video blackjack game, a video Keno game, and a video bingo game.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 60-62 and 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura in view of Walker (USPN 6,394,899).

The disclosure of Vancura has been discussed above and is, therefore, incorporated herein. Vancura lacks in disclosing a second player, a second award and forming a team from a plurality of players; receiving a vote from at least one of the plurality of players, the vote associated with at least one of the fixed set of answers; determining the answer selection according to the vote received from the at least one of the plurality of players. Walker, in an analogous invention, teaches, in col. 6:25-67 and col. 7:1-20, allowing more than one player or a team of players to participate in a pari-mutuel trivia competition in which payouts are distributed to winning players or teams according to how many questions are answered correctly. Walker discloses this feature with the intention of attracting more game players to increase pari-mutuel pool size (col. 2:16-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Walker into the disclosed invention of Vancura. One would be motivated to combine the teachings of Walker with the disclosure of Vancura in order to attract more game players to participate in the game and increase the level competitiveness among game players.

Response to Arguments

Applicant's arguments with respect to claim1-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, John Hotlaing, can be reached at (703) 305-0780. The USPTO official fax number is (703) 872-9306.

RM

RM
August 17, 2004

JOHN M. HOTALING, II
PRIMARY EXAMINER